

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAWN LULEFF, on behalf of herself and all other  
similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A.; COLUMBIA FUNDS  
SERIES TRUST f/k/a NATIONS FUNDS TRUST;  
WILLIAM P. CARMICHAEL; and BANK OF  
AMERICA CORPORATION,

Defendants.

Case No: 06-cv-1435 (JGK)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Tim A. O'Brien, and the exhibits annexed thereto, Defendants Columbia Funds Trust, f/k/a/ Nations Funds Trust and William P. Carmichael will move this Court, at the United States District Courthouse, 500 Pearl Street, New York, New York 10007, before the Honorable John G. Koeltl for an order pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6), dismissing plaintiff's Complaint, along with such other and further relief as the Court deems just, proper and equitable.

Dated:  
October 6, 2006

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By: Tim O'Brien

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Funds Trust and William P. Carmichael**